UNITED STATES DI SOUTHERN DISTRI	CT OF NEW YORK		
		X :	
PATRICK OBAH,		:	
	Plaintiff	:	24-CV-7203 (JAV)
-v-		:	<u>ORDER</u>
DEPARTMENT OF EDUCATION,		:	
	Defendant.	: :	
		X	

JEANNETTE A. VARGAS, United States District Judge:

On May 28, 2025, Defendant filed a motion to dismiss the amended complaint under Rule 12(b) of the Federal Rules of Civil Procedure. Under Rule 15(a)(1)(B), a plaintiff has twenty-one (21) days after the service of a motion under Rule 12(b) to amend the complaint once as a matter of course.

Accordingly, it is hereby ORDERED that Plaintiff shall file any amended complaint by **June 18, 2025**. Plaintiff will not be given any further opportunity to amend the complaint to address issues raised by the motion to dismiss.

If Plaintiff does amend, by three (3) weeks after the amended complaint is filed, Defendant shall: (1) file an answer; (2) file a new motion to dismiss; or (3) file a letter on ECF stating that it relies on the previously filed motion to dismiss. If Defendant files an answer or a new motion to dismiss, the Court will deny the previously filed motion to dismiss as moot. If Defendant files a new motion to dismiss or indicates that it relies on its previously filed motion to dismiss, any opposition shall be filed within 14 days and any reply shall be filed within 7 days of any opposition.

If no amended complaint is filed, the existing briefing schedule shall remain in effect, pursuant to which Plaintiff shall file any opposition to the motion to dismiss by **June 18, 2025**, and Defendant shall file any reply by **June 25, 2025**.

SO ORDERED.

Dated: May 28, 2025

New York, New York

JEANNETTE A. VARGAS
United States District Judge